

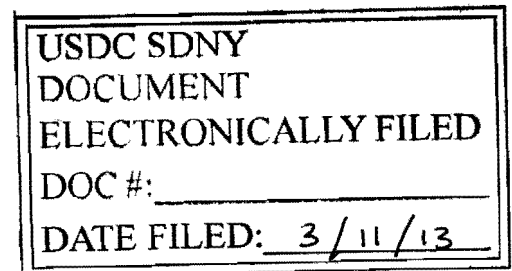
David Rohner O'Rourke
85-10 165th Street, 3rd Floor
Jamaica, New York 1132

Clerk to Docket
SO ORDERED:
RMB

RICHARD M. BERMAN U.S.D.J.
3/11/13

March 7, 2013

Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



RE: Wall Ceiling and Carpentry Association and NYC District Council of Carpenters 2011 – 2016 Contract

Dear Judge Berman,

I am writing you in regard to the upcoming decision in the above mentioned contract. My concern with this new contract is what is commonly referred to as 'Full Mobility', where an employer can staff projects almost entirely with people of their choosing, as opposed to the current system in which they have to staff about 3 of every 10 carpenters from the District Council of Carpenters union 'Out of Work' list.

The reason this change concerns me is that I believe it will disrupt the more equitable distribution of work hours to all dues paying members, as well as create a hostile work atmosphere for the employees and ultimately lead to various forms of corruption.

Firstly, in an industry traditionally rife with nepotism and favoritism, the out of work list provides all members an alternative to be dispatched to jobs in a fair and balanced way. Secondly, given the nature of the construction work, job availability increases as a job starts and slows as projects come to a close, layoffs are and inevitable fact of life for carpenters. Many carpenters know that if they are layed off, they have a good chance of being dispatched to another job within several months. With this, most carpenters are comfortable refusing corrupt offers (i.e. working for cash or off the books, working unpaid hours, working for a reduced wage not agreed to in the contract, etc), knowing they have a relatively good chance of getting other work from the 'out of work list' in a somewhat timely manner. This helps to self police an industry known for corruption and allows employees the ability to ensure they are paid honestly for a fair days work and that their taxes are paid. However, if contractors have total control over the people they select to staff the projects, I believe the 'out of work' list will no longer be a viable option for carpenters as it may take several years to be dispatched to another job. Some contractors will recognize this and will hold it over their employee's heads;

to provide for their families, I fear a sizable portion of carpenters may feel obligated to agree to corrupt practices in order to continue working.

Please take into consideration that the Full Mobility clause in the currently proposed contract will severely undermine the NYC District Council of Carpenters members' ability to fight potential corruption. When a similar contract came up for a member vote, the contract was overwhelmingly voted against by the members primarily due the concept of 'full mobility'.

I thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "David Rohner O'Rourke", with a long, sweeping horizontal stroke at the end.

David Rohner O'Rourke
Carpenters, Local 926 (Brooklyn)